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The frequently recurring provisions, to be found in the policy statements of a selected group of 20 colleges and universities, concerning the production, use, and re-use of instructional recordings (visual and oral) can be divided for the purposes of analysis and comparison into four groups: ownership and copyright provisions, faculty rights, faculty compensation, and administration and review of policies. Almost all institutions which have adopted policies assign ownership to the university. Faculty rights have four major aspects: autonomy, internal re-use, external distribution, and revision and withdrawal. Almost all policy statements indicate that the instructor is responsible for the structure and the content of the recordings. A few have specific provisions for re-use, though a majority require the instructor to sign a release for external use prior to production, and many also require department approval when the recording is to be made available for distribution. The occasion for revision is usually determined by the instructor and/or the department. Faculty compensation is quite varied across the institutions surveyed. Outside persons participating in the recording are usually paid some type of flat fee. Nearly all policies contain provisions for an administrative and review body. A list of colleges whose policies are compared is appended. (MT)

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AN ANALYSIS OF UNIVERSITY POLICY STATEMENTS ON INSTRUCTIONAL RECORDINGS AND THEIR RE-USE

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For the State University of New York

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The following is a comparative analysis of the major provisions of policy statements adopted by a selected list of colleges and universities on the general subject of production, use and re-use of instructional materials which have been recorded either orally or visually for classroom use. This report also includes an analysis of compensation policies for faculty members who participate in the production, use and re-use of such recordings.

A list of the institutions whose policy statements were analyzed is appended to this report.

The frequently-recurring provisions to be found in these policy statements are for purposes of analysis and comparison divided into four groups: (1) ownership and copyright provisions, (2) faculty rights, (3) faculty compensation, and (4) administration and review of policies.

1. *Ownership and Copyright*

Who owns or has title to the instructional recordings produced for classroom use? Many of the policy statements fail to distinguish between those materials which are the property of the institution and materials which are primarily the property of the faculty member.

Michigan State University assigns to the university all "university sponsored materials" and defines these as those "produced with substantial use of university facilities in which faculty members personally and prominently appear, and teaching materials produced with substantial support from the university."

The University of Minnesota assigns property rights to the university "if author or producer has employed equipment, materials or staff services of instructional media agencies supported by the university, or if the author or producer has been commissioned in writing by the university to develop materials, and in their production has been compensated by the university."

Almost all the institutions which have adopted policy statements assign the ownership of the recordings to the university. The University of Nebraska retains control of the tape stock but not the material contained on the tapes. The University of Akron has the same provision, but most of the policy statements provide for sole ownership by the university.

Very few of the policy statements specifically provide for copyright of the recordings in the name of the university. The Minnesota statement provides that where the university does not act on any infringements of copyright, the author or producer may initiate action. The University of Miami provides for institutional copyright on all tapes, but permits the instructor to copyright workbooks, guides, and other printed materials.

However, several policy statements specify the responsibility for obtaining clearances on copyrighted material which may be incorporated in the recording. At the University of Wisconsin, the faculty member is responsible for clearances. In the Pennsylvania State University statement, the faculty member warrants that the material is all his own.

2. *Faculty Rights*

Faculty rights are discussed under the headings (a) autonomy, (b) internal re-use, (c) external distribution, (d) revision and withdrawal.

(a) Autonomy. Almost all the policy statements make the point that the instructor is primarily responsible for the structure and content of the recording and has the same rights and responsibilities as he does for an ordinary course of instruction.

In at least one institution (Eastern Michigan) the control of content rests with the department subject to the approval of the instructor.

Whether an instructional course shall be recorded is in most instances the decision of the department or departments involved, including the selection of the instructor or instructors who participate in the production. In some cases this responsibility for selection is delegated to a special committee of the department.

(b) Internal re-use. How often and how long can a recorded instructional program be re-used within the institution at which it was produced? The University of Washington provides for re-use for five years, the University of Arizona for three years. The University of Florida permits re-use for at least two semesters. Other institutions provide that each instance of internal re-use requires the approval of the department and the instructor.

Many of the policy statements fail to make any provision for re-use within the institution. Pennsylvania State University policy statement provides that any re-use of the recording after the instructor has left the university must be approved by both the department and the instructor and in the event of a dispute by a special committee.

(c) External distribution. A majority of institutions require that the instructor sign a release prior to production for any future use of the recording outside the institution. A number of universities also require the approval of the department whenever the recording is made available for outside distribution. The University of Washington says it will notify the instructor of any outside use. The University of Michigan requires that any commercial use of the recording may not be sponsored or interrupted. Both Minnesota and Pennsylvania State provide for a written agreement with the instructor for external use. Wisconsin has a similar provision.

Michigan State University provides that an instructor who leaves the university may veto any outside use.

(d) Revision and withdrawal. If and when recordings are to be revised or updated is usually determined by the instructor or by the department with the consent of the instructor. The University of Michigan and Michigan State University place the responsibility for review and revision on the department. The University of Washington assigns to the teacher the responsibility for revision, but if he fails to perform, the university assumes the obligation. The frequency of revision is usually left to the instructor in consultation with the department.

Many of the policy statements give the instructor the privilege of withdrawing the recording, but few specify any time limit for exercising this privilege. Western Michigan University provides that an instructor may, with department approval, withdraw his tape from use when he determines that "continued use of televised materials in which he has participated are detrimental to his personal or professional reputation." The University of Wisconsin does not permit withdrawal within the first two years of use. The University of Miami permits withdrawal after one year.

The University of Nebraska statement provides for the erasure of the recording after three years from first distribution unless specific provisions are made otherwise.

The University of Nebraska and the University of Omaha give the instructor the right to make personal and professional use of the recording, provided there is no conflict with university use.

3. *Faculty Compensation*

(a) Most institutions do not grant extra pay for the production of instructional recordings but instead provide for "released time." Both Minnesota and Michigan State leave the negotiation for the amount of released time up to the department and the participating instructor.

At Pennsylvania State University, the teaching load adjustment takes into account whether the presentation is "live" or recorded, whether it is

being presented from previously recorded material, the amount of new material, the amount of assistance received, the number of student credit hours, and the type of interaction between the instructor and students.

The University of Akron gives "double load" credit for TV presentations; Arizona equates one recorded course as a full teaching load. Nebraska says that each hour of TV presentation is equivalent to three hours of classroom lectures. A re-use counts for two hours.

The Chicago City College, which has had extensive experience with recorded instruction, gives the faculty member two full months' salary for preparation, full salary during term of live presentation, two months' full salary during editing and reviewing, and one month's salary during any term which requires subsequent re-editing.

(b) Faculty compensation for re-use is equally varied. The University of Nebraska allocates one hour of academic load for each semester's series which are presented from recordings.

Michigan State University allows the load credit for re-use to be agreed upon in advance by the faculty member and the department based upon the amount of continuing responsibility for monitoring, revision, supervision, whether the course is completely or partially recorded, and the extent to which participating faculty efforts have previously been compensated. Eastern Michigan provides for a one-to-one ratio for re-use of recorded instruction.

Most of the institutions whose policies have been surveyed do not make any special provision for the re-use of recordings while the instructor is on leave of absence or during the summer when he is not on the payroll. Most faculty members feel that when they are not on the payroll, their recordings should either not be used or they should be given extra compensation.

The University of Akron provides that when the instructor is "out of residence" he will be given the same proportion of his yearly salary which the credit in the course bears to his regular yearly load, subtracting

the cost of his substitute. In no case, however, will the net amount paid to the instructor be less than one-half of what he would receive if the course were taught in the conventional manner.

Michigan State University will pay the faculty member who is on leave or not on the summer payroll one percent of his annual salary for each six class hours of recorded instruction.

(c) Compensation for outside distribution varies considerably from one institution to another. The University of Akron, University of Texas, and University of Minnesota will pay the instructor 50% of the rental fee. Arizona pays 20%, and Pennsylvania State pays 20% of the gross sale price. At the University of Nebraska, the fee is negotiated but not to exceed 15%.

The University of Miami has a complicated formula which gives the instructor $1.00 per running minute for non-credit use. Where the recorded series is used at another institution for credit, the instructor will receive one-half the salary paid for the original recording (equating released time to total salary).

(d) Several institutions specify fees for outside resource persons participating in a recorded program. At the University of Miami, this fee is $100 per minute of appearance. The University of Michigan pays a flat fee ranging from $100 to $350. In most institutions the fee for resource persons for special appearances is negotiated between the institution and the resource person.

(e) Compensation to the faculty member for use of his recordings after he has left the employment of the institution is equally varied. Some institutions provide for the withdrawal of tapes after termination of employment either through death or resignation.

The University of Illinois retains the right to use the recording for three years after introduction even though the faculty member may resign from the university.

At the University of Miami, the faculty member is paid the same royalty whether he is on the staff or has terminated his employment.

4. *Administration and Review of Policies*

Almost all the policy statements contain provisions for establishing an administrative and review body or committee whose function is to resolve issues, review policies and make recommendations for changes or additions.

At the University of Colorado, this body is called the Educational Media Advisory Committee; at Illinois it is the University Committee on Copyrights and Recordings; at Michigan State it is the Instructional Media Policies and Priorities Committee.

However, the origin and make-up of these committees varies widely. In many institutions, it is an administrative body appointed by a university administrator, usually the provost or academic vice-president. At Illinois, the committee is appointed by the University Senate Committee on Committees and consists entirely of faculty members. Other institutions provide for a number of ex-officio members from the administrative staff, and still others require that at least one member of the teaching faculty should have membership on the committee.

The principal function of these committees seems to be to interpret and advise on the administration of the policies as adopted by the institution.

* * *

Editor's note: This paper analyzes existing university policies. Readers may also be interested in what policies various groups believe should exist in the universities and the public schools. These are discussed in the following references. All references are taken from the Koenig paper, which is itself a valuable survey.

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"Report of Committee C: Policy on Educational Television," *AAUP Bulletin*, Sept., 1962.

Siebert, F. S. *Copyrights, Clearances, and Rights of Teachers in the New Educational Media*. Washington: American Council on Education, Sept., 1964, 49.

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List of Surveyed Institutions

University of Akron, Akron, Ohio

University of Arizona, Tucson, Arizona

Arizona State University, Tempe, Arizona

Chicago City College, 5400 N. St. Louis Ave., Chicago, Illinois

University of Colorado, Boulder, Colorado

Eastern Michigan University, Ypsilanti, Michigan

University of Florida, Gainesville, Florida

University of Illinois, Urbana, Illinois

University of Miami, Miami, Florida

University of Michigan, Ann Arbor, Michigan

Michigan State University, East Lansing, Michigan

University of Minnesota, Minneapolis, Minnesota

University of Nebraska, Lincoln, Nebraska

University of Omaha, Omaha, Nebraska

Pennsylvania State University, University Park, Pennsylvania

Temple University, Philadelphia, Pennsylvania

University of Texas, Austin, Texas

University of Washington, Seattle, Washington

Western Michigan University, Kalamazoo, Michigan

University of Wisconsin, Madison, Wisconsin

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